UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

ROY TODD BROOKS,)
Plaintiff,)
v.	No. 3:09-CV-432 (Phillips)
MICHAEL J. ASTRUE,) (= P S)
COMMISSIONER OF SOCIAL SECURITY,)
Defendant.)

MEMORANDUM AND OPINION

This Social Security appeal is before the Court on the Report and Recommendation ("R&R") filed by United States Magistrate Judge H. Bruce Guyton [Doc. 25]. There have been no timely objections to the R&R [Doc. 25], and enough time has passed since the filing of the R&R [Doc. 25] to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the Court is in complete agreement with the magistrate judge's conclusion that Plaintiff's Motion for Summary Judgment [Doc. 14] be **GRANTED**, to the extent that the case is **REMANDED** to the Commissioner for further proceedings. The Court also accepts Judge Guyton's recommendation to **DENY** the Commissioner's Motion for Summary Judgment [Doc. 16]. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 25] under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

It is **ORDERED**, for the reasons stated in the R&R [Doc. 25], which the Court adopts and incorporates into its ruling, that the case be **REMANDED** to the Commissioner for further

proceedings consistent with the R&R [Doc. 25].

ENTER:

s/ Thomas W. Phillips
United States District Judge